



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2015

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P (MD) No. 19662 of 2015

and

M.P (MD) No. 1 of 2015

WEB COPY

Y. Nelson

... Petitioner

Vs.

1) The Chief Educational Officer,
Kanyakumari at Nagercoil,
Kanyakumari District.

2) The District Educational Officer,
Nagercoil,
Kanyakumari District.

3) The Administrative Committee,
Kanyakumari Diocese,
Church of South India,
Diocesan Office,
71-A, Dennis Street,
Nagercoil-1,
Kanyakumari District,
Pin: 629001
Represented by its Secretary.

4) The Bishop-cum-President of the
Administrative Committee,
Kanyakumari Diocese,
Church of South India,
Diocesan Office,
71-A, Dennis Street,
Nagercoil-1,
Kanyakumari District,
Pin: 629001.

5) The Corporate Manager of Schools,
Kanyakumari Diocese,
Church of South India,
Diocesan Office,
71-A, Dennis Street,
Nagercoil-1,
Kanyakumari District,
Pin: 629001.



6) Mrs. R. Rajam,
Headmistress,
L.M.S. Higher Secondary School,
South Thamaraiikulam,
Agasteeswaram Post,
Kanyakumari District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records of the 5th respondent, pertaining to his order in C.M.Lr.No.24/2015-2016, dated 13.10.2015, on his file, quash the same.

For Petitioner : MR.K.N.Thampi
For R1 & R2 : Mr.Aaiyuram K.Selvakumar, GA
For R3 to R5 : Mr.Isaac Mohanlal

O R D E R

Y.Nelson has filed this writ petition challenging the impugned order dated 13.10.2015 passed by the 5th respondent/Corporate Manager of Schools, Kanyakumari Diocese, Church of South India, Nagercoil, Kanyakumari District, in and by which the 5th respondent has held that the suspension order of the Correspondent against the Headmistress, L.M.S. Higher Secondary School, South Thamaraiikulam, Agasteeswaram Post, Kanyakumari District is hereby cancelled as the Correspondent has no authority to do so.

2.While considering a similar issue in W.P(MD)No.11008 of 2014 dated 26.02.2015, I have held that the Correspondent has no power to pass order of suspension against Headmistress or any teacher. The relevant portion of the above order is as under:-

'11. Besides, in a similar and identical circumstances, I have held that the Corporate Manager has got all the powers of administration over all the schools. For better appreciation, the relevant portion of the order passed in W.P.(MD) No.16300 of 2014, dated 11.12.2014, is extracted hereunder:

"4.....Therefore, clause 20 of Chapter III clearly delineates the power of the Corporate Manager that he shall have all the powers of administration over all the schools, including the power to appoint teaching and non teaching staff to those institutions to give promotions, to effect transfers of any of the members of staff among those schools and to take disciplinary actions against them. As against the decision taken in respect of the disciplinary proceedings initiated against any of the staff by the Corporate Manager revision lies under Clause 44 under Chapter IV before the Bishop who is the General Manager of the Diocesan Schools. Under clause 45 of Chapter IV,



extraordinary power has been given to the Bishop President. Therefore, as rightly contended by the learned counsel for the respondents 2 and 3 that the Correspondent is not competent authority although he is the person entitled to deal with the day today administration of the schools, the Corporate Manager has got all the powers over all the educational institutions under the corporate management as a single unit.

5.This Court keeping in mind that the Corporate Manager, the second respondent herein who has issued the impugned order of suspension has rightly issued the same as per the power conferred under clause 20 of Chapter III, is not inclined to entertain the writ petition. If the petitioner is aggrieved by any such order is entitled to prefer a revision before the Bishop under clause 44 of the Rules and Regulations for Schools in the Corporate Management of the R.C.Diocese of Kottar. Hence, the writ petition fails and the same is dismissed....."

12. Following the above said decision of this Court and also for the reasons stated supra, the writ petition filed by the petitioner, challenging the impugned charge memo issued by the third respondent Corporate Manager, fails and the same is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

3.In view of the above, this writ petition is dismissed. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1)The Chief Educational Officer,Kanyakumari at Nagercoil,
Kanyakumari District

2)The District Educational Officer,Nagercoil,
Kanyakumari District.

+One cc to Mr.K.N.Thampi, Advocate, SR.No.63767

+One cc to Mr.Abiram Vikash, Advocate, SR.No.63975

+One cc to The Special Government Pleader, SR.No.64119

NB2

RL/6c-NGM/SS/24/11/2015

W.P(MD)No.19662 of 2015

and

M.P(MD)No.1 of 2015

29.10.2015